

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF GEORGIA
ATLANTA DIVISION**

ALPHA PHI ALPHA FRATERNITY INC.
et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as Secretary of State of Georgia,

Defendant.

CIVIL ACTION FILE
NO. 1:21-CV-5337-SCJ

COAKLEY PENDERGRASS et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary of State,
et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:21-CV-5339-SCJ

ANNIE LOIS GRANT et al.,

Plaintiffs,

v.

BRAD RAFFENSPERGER, in his official
capacity as the Georgia Secretary of State,
et al.,

Defendants.

CIVIL ACTION FILE
NO. 1:22-CV-122-SCJ

JOINT STATUS REPORT

The parties in the above-captioned cases submit this joint status report in response to the Court's order of July 27, 2022.*

First, in response to the Court's request for "the current posture of the litigation," the parties report that, pursuant to the Court's previously issued scheduling order of February 28, 2022, they are currently undertaking fact discovery.

Second, in response to the Court's query as to whether "the parties will be prepared to proceed to trial either in late April or the month of May, 2023," the parties report that they can be prepared for trial during that period if the Court desires that schedule. If the Court wishes to facilitate a trial in late April or May, the parties respectfully propose the following joint schedule:

Event	Previously Scheduled Date	Proposed New Date
Deadline for Plaintiffs' and Defendants' expert disclosures (reports)	December 5, 2022	October 14, 2022
Deadline for rebuttal expert disclosures (reports)	January 23, 2023	November 11, 2022

* In the interest of judicial economy, the parties submit a single joint status report in each of the three above-captioned cases. The submission of a single report does not imply or reflect any intention to request consolidation of these cases under Federal Rule of Civil Procedure 42 or otherwise.

Event	Previously Scheduled Date	Proposed New Date
Deadline to complete expert discovery and close of discovery	February 17, 2023	December 21, 2022
Deadline to file motions for summary judgment	March 20, 2023	January 20, 2023
Deadline to file responses to motions for summary judgment	April 19, 2023	February 17, 2023
Deadline to file replies in support of motions for summary judgment	May 3, 2023	March 3, 2023
Hearing on motions for summary judgment (if deemed necessary by the Court)	To be set by the Court	
Proposed Consolidated Pretrial Order Due (<i>if applicable</i>)	Due 30 days after the close of discovery or entry of the Court's rulings on the motions for summary judgment	
Deadline to file <i>Daubert</i> motions (<i>if applicable</i>)	On the last day to submit pretrial order	
Deadline to file motions in limine (<i>if applicable</i>)	On the last day to submit pretrial order	
Deadline to request amendment to the pretrial order to include amended pretrial stipulations, exhibits, witness lists (<i>if applicable</i>)	30 days before trial date	
Trial date (<i>if applicable</i>)	To be set by the Court	April/May 2023

Additionally, Defendants note that they will be raising compliance with Section 2 as a defense to the racial gerrymandering claims raised in the three-judge cases of *Ga. State Conf. of the NAACP* (Case No. 1:21-cv-5338-ELB-SCJ-SDG) and *Common Cause* (Case No. 1:22-cv-00090-ELB-SCJ-SDG). The interconnected nature of the defenses and the claims in those cases make two separate trials more burdensome for Defendants and having a bifurcated trial with a portion before this Court and a portion before the three-judge panel may be the best way to proceed. Thus, while Defendants jointly propose the above schedule with Plaintiffs, Defendants continue to believe that the existing schedule best facilitates the resolution of all of the cases regarding the Georgia redistricting plans.

Defendants further note that, while the U.S. Supreme Court has set argument in *Merrill v. Milligan* for October 4, 2022, Defendants believe it will be best for judicial economy and the use of the parties' resources for the Court to have the benefit of that decision before ruling on summary judgment or at least before ruling on the trial on the merits.

In response, Plaintiffs believe that, consistent with their position and proposed schedule as articulated in the parties' Rule 16 joint preliminary report and discovery plans, a trial date in Spring 2023 will mitigate any *Purcell* concerns that might be otherwise raised by Defendants. A trial in late April or May of next year will ensure

sufficient time to resolve this case, including the drawing of any remedial plans and any stay briefing, before the 2024 election calendar begins.

Moreover, because a favorable ruling on Plaintiffs' Section 2 claims might obviate the need to proceed to trial on the pending racial gerrymandering claims, an earlier trial date would also serve the interest of judicial economy.

Finally, any issues related to the U.S. Supreme Court's decision in *Merrill* could be resolved by undertaking post-trial briefing or other limited proceedings after the *Merrill* opinion is issued.

Dated: August 2, 2022

By **Adam M. Sparks**

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Dated: August 2, 2022

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CERTIFICATE OF COMPLIANCE

I hereby certify that the foregoing **Joint Status Report** has been prepared in accordance with the font type and margin requirements of LR 5.1, NDGa, using font type of Times New Roman and a point size of 14.

Dated: August 2, 2022

Adam M. Sparks

Counsel for the Pendergrass and Grant Plaintiffs

CERTIFICATE OF SERVICE

I hereby certify that I have on this date caused to be electronically filed a copy of the foregoing **Joint Status Report** with the Clerk of Court using the CM/ECF system, which will automatically send e-mail notification of such filing to counsel of record.

Dated: August 2, 2022

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